In the Supreme Court of the United States.

OCTOBER TERM, 1909.

THE STANDARD OIL COMPANY OF NEW JERSEY et al., Appellants,
v.
THE UNITED STATES OF AMERICA, Appellee.
} No. 725.

ADDITIONAL MEMORANDUM IN SUPPORT OF APPLICATION TO ADVANCE CAUSE AND SET SAME FOR ARGUMENT ABOUT MARCH 1.

Motion was submitted by the United States with the consent of the appellants to advance this cause, which was docketed on January 3, 1910, and to set the same for hearing on or about March 1, 1910. In addition to what was said in the motion papers, I desire to submit the following considerations in support of the application:

I am well aware that it is an inconvenience, and, possibly, a hardship to private suitors, to have one cause advanced and set for hearing before a large number of other cases that have been docketed many months sooner. This case, however, presents questions of such far-reaching effect as, in my opinion, to fully justify such discrimination. In the enforcement of the Sherman

antitrust law much public interest is constantly manifested, and the Department of Justice is called upon to vigorously enforce this law and is subjected to criticism if it fails to do so. The Tobacco case, just argued and submitted to this court, and the Standard Oil case, present to the court practically the entire range of modern industrial organizations in this country, and substantially every feature of the so-called "trust problem," in so far as it is affected by the Sherman Act. Since the rendition of the decisions appealed from in these two cases, the Department of Justice is constantly called upon to investigate and is subject to criticism if it does not prosecute other cases the facts of which bring the organizations affected within the scope of the decisions of the circuit courts in these two cases. If, however, this court should modify those conclusions, a different rule might prevail, and actions which might be taken by the Government under the law as declared by the circuit courts might prove to be unfounded, and such prosecutions inflict serious and irreparable injury upon the interests affected thereby. It has therefore been the policy of the Government to select a few extreme instances of great combinations apparently controlling the greater part of trade and commerce in a particular line of industry and to make of them tests of the full meaning and application of the statute. The Standard Oil case is the most important of all

these cases, affecting, as it does, the widest range of combinations and contracts which may be claimed to offend against the act of Congress. Under these circumstances, and as this act, in its general scope, affects an enormous number of business and industrial organizations throughout the country, it is of momentous public importance that this court shall define and apply the act in reference to this character of organization, and for these reasons I respectfully but earnestly urge the court to advance and set the case for argument at or about March 1. It is believed that the discussion in the Tobacco case may aid the court in its consideration of the Standard Oil case, and that the questions involved in the one case are largely involved in the other, so that the burden upon the court will not be increased, but rather diminished, by having both cases under advisement at nearly the same time.

All of which is respectfully submitted.

GEO. W. WICKERSHAM,
Attorney-General.

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